

ENTERED

August 07, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

KENNETH SCOTT,

Plaintiff,

VS.

ISAAC KWABENA KWARTENG, *et al*,

Defendants.

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CIVIL NO. 2:17-CV-382

ORDER

The Court is in receipt of the Magistrate Judge's Memorandum and Recommendation ("M&R"), Dkt. No. 80. The Court is also in receipt of Plaintiff Kenneth Scott's ("Scott") objections to the M&R, Dkt. No. 81.

Scott's complaint alleges he suffers from severe spinal injuries and individuals at the McConnell Unit in Beeville, Texas took away medically-necessary devices which protect his spine and cancelled his medical restrictions. Dkt. No. 1.

The Magistrate Judge recommends granting Defendants' Motion to Dismiss and dismissing Scott's deliberate indifference claims against Defendants Isaac Kwabena Kwarteng ("Kwarteng") and Tanya Lawson ("Lawson") as moot on the grounds that Scott has received his requested relief. Dkt. No. 80. In the alternative, the Magistrate Judge recommends Scott's claims for injunctive relief be dismissed as moot because he is no longer incarcerated at the facility where the alleged violations occurred. *Id.*

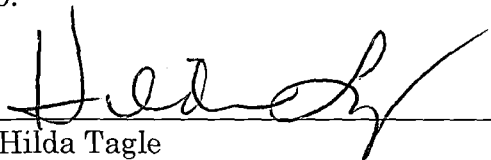
Scott objects on the grounds that the new devices provided to him are not the same as those he was prescribed. Dkt. No. 81. Scott also argues that he seeks completion of surgeries to repair his spine. *Id.* at 2.

The Court reviews objected-to portions of the Magistrate Judge's proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1); *Battle v. United States Parole Comm'n*, 834 F.2d 419 (5th Cir. 1987) (determining that a district court need not consider frivolous, conclusive, or general objections).

Scott's objections relate to claims not in his complaint, but rather claims that could be the subject of a future grievance and complaint. The Court therefore **OVERRULES** Scott's objections, Dkt. No. 81. After review of the record, filings, and relevant law, the Court **ADOPTS** the M&R, Dkt. No. 80, in its entirety. Accordingly, the Court **DISMISSES** Scott's claims against Defendants Kwarteng and Lawson as moot.

As the Court previously dismissed claims against the only other Defendant, Dkt. No. 77, the Court **ORDERS** the Clerk of the Court to close this case.

SIGNED this 8th day of August, 2020.


Hilda Tagle
Senior United States District Judge